

CITY OF LYNN

Regular City Council Meeting –October 13, 2015 Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Capano absent).

Moment of Silence. Councilor Barton asked that the family of Robert J. Caldwell be remembered. Councilor Cyr asked that the Family of Jason Haggerty be remembered. Councilor Lozzi asked that the Family of George Agganis also be remembered.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Trahan to accept the Meeting Minutes of September 22, 2015.

Motion carried.

COMMUNICATIONS:

Her Honor the Mayor:

Dear Councilors:

I am hereby appointing the individuals listed below to the Human Rights Commission to replace expired members Jake Keo and Mary Trahan respectively. Their appointments are effective immediately and will expire on October 13, 2018. Selecca L. Bulgar-Medina, 779 Boston Street and Tiffany Bevis, 254 Ocean Street, Unit 3.

Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councilor Net and seconded by Councilor Ford to appoint Selecca L. Bulgar-Medina, 779 Boston Street, Lynn, MA 01905 and Tiffany Bevis, 254 Ocean Street, Unit #3, Lynn, MA 01902 to the Lynn Human Rights Commission, effective immediately and will expire on October 13, 2018.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

PUBLIC HEARINGS:

Petition of Essex Laundry, Chris Fazio, for permission to install 3 Coin-Operated Vacuums for auto use in the parking lot at 421 Essex Street.

The following appeared in Favor:

Chris Fazio, Owner

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the prayer of the Petitioner with the stipulations to approve the installation of two (2) coin-operated vacuums with the Hours of Operation from 9:00 a.m. to 11:00 p.m.

Motion carried by the following ye and nay vote:

9 YES 1 NO (Councilor Cyr voting NO; Councilor Capano absent).

Petition of National Grid (Gas), Chrisnor Louis, for permission to install above ground scada box at National Grid Regulator Vault at the intersection of Sewall & Jackson Street.

The following appeared in Favor:

Chrisnor Louis, National Grid

Victor Santana, National Grid

The following appeared in Opposition:

Teodoro Mesa, 80 Jackson Street, Lynn

Public Hearing Closed

Motion made by Councilor Cyr and seconded by Councilor Barton to TABLE.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Petition of Comcast, Timothy Broderick, for permission to install from existing vault in sidewalk in front of 65 Munroe Street, (1) 4" pvc conduit 20' +/- in a Southeasterly direction to property at 65 Munroe Street.

The following appeared in Favor:

Timothy Broderick, Comcast

No one appeared in Opposition.

Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the stipulation that the sidewalk is put back in the same condition or better condition.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Petition of National Grid, Rafael Panos, for permission to install approximately 120' +/- of 6-4" concrete encased conduits from a new switchgear on customer's property to an existing electric manhole, MH1 on Central Square, Lynn, Plan 16836381 for permission to install approximately 15' of 6-5" encased conduits from existing electric manhole, MH-2 to a new switchgear on customer's property, #40-48 Central Square; install approximately 120'+/- of 6-5" concrete encased conduits from the new switchgear to an existing electric manhole, MH1 on Central Square and install approximately 15' +/- of 4-5" concrete encased conduits from MH1 to #33 Central Square.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the stipulation that the sidewalk is put back in the same condition or better condition.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Cyr absent at vote; Councilor Capano absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Spin City Laundromat, Paul S. Biswas for permission for a sign permit at 119 Fayette Street. (Trahant)

-Petition of Pezco Realty LLC, Gary Pezzulo, for permission to change use to residential and construct 3 residential units after demolition of current mixed use property at 294 Chatham Street. (Trahant)

-Petition of National Grid, Rafael Panos, for permission to install approximately 15' +/- of 1-3" conduit from existing Pole, P8 Sewall Street to a proposed gas monitoring traffic box on sidewalk grass area. (Cyr)

Motion made by Councilor Colucci and seconded by Councilor Barton to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the October 13, 2015 Committee on Public Works Sub-Committee/Task Force recommending the following to be accepted.

1. Discussion re: Winter Operations/Snow Season

**2. OTHER BUSINESS:
REPORT ACCEPTED.**

Report of the October 13, 2015 Committee on Public Works recommending the following to be accepted:

1. Discussion re: Update on Trash
2. Discussion re: Status of Street Replacements/Repairs
3. Discussion re: Sidewalks and Trees
4. **OTHER BUSINESS:**

REPORT ACCEPTED.

Report of the October 13, 2015 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to take the following action:

Ordered that the Department of Public Works be allowed to make expenditures for Snow and Ice Control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to an Order that the Department of Public Works be allowed to make expenditures for Snow and Ice Control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Certify as an "Available Fund" the amount of Fifty Eight Thousand Three Hundred Twelve Dollars and Zero Cents (\$58,312.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY16 State 911 Training and EMD Grant. Grant period 7/22/15-6/30/16.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Fifty Eight Thousand Three Hundred Twelve Dollars and Zero Cents (\$58,312.00) as allotted to the City of Lynn Fire Department by the Executive Office of Public Safety and Security (EPS) for the FY16 State 911 Training and EMD Grant. Grant period 7/22/15-6/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Twenty Five Thousand Five Hundred Seventy Five Dollars and one Cent (\$25,575.01) from the Police Miscellaneous Expense Account to the Unpaid Bills of Prior Years Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Twenty Five Thousand Five Hundred Seventy Five Dollars and one Cent (\$25,575.01) from the Police Miscellaneous Expense Account to the Unpaid Bills of Prior Years Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Twenty Seven Thousand Three Hundred Eighty Seven Dollars and Zero Cents (\$27,387.00) from the Reserve Account to Assessors Payroll Accounts.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Twenty Seven Thousand Three Hundred Eighty Seven Dollars and Zero Cents (\$27,387.00) from the Reserve Account to Assessors Payroll Accounts.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Forty Thousand Dollars and Zero Cents (\$40,000.00) from the Reserve Account to the Legal Expense Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Forty Thousand Dollars and Zero Cents (\$40,000.00) from the Reserve Account to the Legal Expense Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

**Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Capano absent).**

Transfer the sum of Thirty Five Thousand Four Hundred Ninety Six Dollars and Zero Cents (\$35,496.00) from the Reserve Account to the Police Expense Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Thirty Five Thousand Four Hundred Ninety Six Dollars and Zero Cents (\$35,496.00) from the Reserve Account to the Police Expense Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

REPORT ACCEPTED.

Report of the October 13, 2015 Committee on Public Safety and Public Health recommending the following to be accepted:

1. Update from Chief of Police

2. Update from Fire Chief

3. OTHER BUSINESS

REPORT ACCEPTED.

Report of the October 13, 2015 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Alberick, Carter L., 23 Lincoln St.- **Granted**

Corbett, Katherine, 200 Jenness Street.- **Granted**

Fernandez, Rafael C., 57A Memorial Pk Ave - **Tabled**

Natie, Kingsley, 247 Ocean St. .- **Granted**

Osman, Adam, 27 Union St. Apt. #21- **DENIED**

Perez, Wilmer, 24 Bruce Place Apt. #1.- **Granted**

Smart, Jerry Sherman, 25 Cherry St., Swampscott, MA.- **Granted**

Smith, Andrew G., 69 N. Common St. #25.- **Granted**

OLD GOLD & SILVER-NEW

441-443 Union St., Treasures Too Consignments, Inc. .- **Granted**

SECOND HAND ARTICLES-NEW

441-443 Union St., Treasures Too Consignments Inc. .- **Granted**

SIGN LICENSE-RENEWAL

337 Boston St., One Stop Mart.- **Granted**

408 Summer St., El Pulgarstio Restaurant #2.- **Granted**

727 Summer St., Stop N Go.- **Granted**

49 Union St., Cali Sandwich.- **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL

52 Oakville St – 26 Auto Body (new owner) - **Can operate to next meeting. Will check with Ward Councilor to grant with same stipulations.**

FLAMMABLE LICENSE – RENEWAL

59-61 Commercial St / 369-375 Summer St McGrath Enterprises .- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Motion made by Councillor Colucci and seconded by Councillor Barton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK